

Serial No. : 09/704,379
Docket No. : 10655.7600

REMARKS

Applicants reply to the Final Office Action mailed May 10, 2005, within two months. Applicants amend claims 3, 6, 15, 22, 25, 38, and 57, add new claims 61-64 and cancel claims 34-37, 39-42, 47-48 and 51 without prejudice to filing one or more claims having similar subject matter. Applicants submit no new matter is added by these amendments. Accordingly, claims 2-10, 15-16, 19, 21-25, 38, 53-58 and 61-64 are pending.

I. Claims Rejected under 35 U.S.C. § 112

The Examiner rejects claims 2-10, 15-16, 19, 21-25, 34-42, 47-48, and 53-58 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

In making the rejection, the Examiner alleges that "the elements of a shipping agent configured to provide at least one of goods, services, and other items of values recited in independent claims 6, 25, 38, and 57 do not have any functional relationship to the financial transaction elements recited in the claims." Applicants have amended claims 6, 25, 38, and 57 such that the shipping agent includes a functional relationship to the financial transaction elements. See, e.g., Specification page 21, line 19 – page 22, line 23 and FIG. 3. Accordingly, Applicants respectfully request withdrawal of this rejection.

II. Claims Rejected under 35 U.S.C. § 103

The Examiner rejects claims 2-10, 15-16, 19, 21-25, 34-42, 47-48, and 53-58 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,794,207 issued to Walker ("*Walker*") in view of U.S. Patent No. 4,799,156 issued to Shavit, et al. ("*Shavit*"). Applicants respectfully traverse the rejection.

In making the rejection, the Examiner states that "*Walker* fails to teach the step of providing a shipping agent configured to provide goods, services, and other items of value from said second party to said first party." Paper No. 05032005, page 5. To cure the defects of *Walker*, the Examiner relies on the disclosure of *Shavit* to teach these elements, however, Applicants submit *Shavit* fails to do so.

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Shavit teaches “a system for interactive communications and processing of business transactions between a plurality of types of users within at least one industry including ...freight carrier services.” *Shavit*, col. 1, lines 7-12. Particularly, *Shavit* discloses communication and processing of “business transactions between a plurality of different types of independent users including a plurality of buyers, as well as financial institutions, and freight service providers.” *Shavit*, Abstract (emphasis added). Furthermore, “Subscribers [to the system] may include such market participants as ...freight service providers...” *Shavit*, col. 6, lines 9-15 (emphasis added). Therefore, in *Shavit*, freight service providers are independent users and/or subscribers to *Shavit*’s system. In other words, the *Shavit* freight service providers are parties to the transaction that may send requests and transaction information to the *Shavit* system, so the *Shavit* freight service providers are not shipping agents for the parties with a functional relationship to the financial transaction elements. Therefore, the combination of *Walker* and *Shavit* fails to teach or suggest at least “providing a shipping agent associated with said transaction mechanism, said shipping agent configured to provide said item from said second party to said first party,” as similarly recited in amended independent claims 6, 25, 38, and 57.

Claims 2-5, 7-10, 15-16, 21-24, 53-56, and 58 each directly or indirectly depend from one of independent claims 6, 25, 38, and 57 and include all of the elements thereof. Therefore, Applicants submit claims 2-5, 7-10, 15-16, 21-24, 53-56, and 58 differentiated from the cited references for at least the same reasons as set forth above, in addition to their own respective features.

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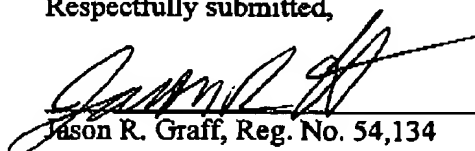
CONCLUSION

In view of the foregoing, Applicants assert that all pending claims are now in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 1928-14 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Dated: 7/11/05


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